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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,745	07/10/2006	Ursula Ziegler	CICTG-23-PCT-US 2003/G018	3493
22827	7590	10/01/2010	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			FREEMAN, JOHN D	
			ART UNIT	PAPER NUMBER
			1787	
			MAIL DATE	DELIVERY MODE
			10/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,745	Applicant(s) ZIEGLER ET AL.	
	Examiner John Freeman	Art Unit 1787	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,7,8,10-13,15-17,19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4,7,8,10-13,19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 August 2010 has been entered.

Claim Rejections - 35 USC § 103

2. Claims 2-4, 7-8, 10-13, 19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flexman et al. (US 2004/0121175) in view of Tanaka et al. (US 4,376,856).

3. Regarding claims 2-3, 10-12, and 21-22:

4. Flexman discloses an article having substrate comprising a blend of POM and a thermoplastic polymer, and another layer adhered to the substrate [0014]. The thermoplastic polymer can be thermoplastic polyurethane [0033], polycarbonates, SAN, etc. [0041]. The overmolded layer on the substrate can be a thermoplastic elastomer [0091-92].

5. Flexman is silent with regard to a polyetheramide elastomer.

6. Elastomers having the presently claimed structures were well-known in the art. For example, Tanaka discloses polyetheramide elastomers containing (A) aminocarboxylic acid, (B) polyoxyalkylene glycol, and (C) dicarboxylic acid (col 1 ln 60-68). Such a polyetheramide would comprise repeating units corresponding to the presently claimed (I) and (III). The aminocarboxylic acids include aliphatic compounds such as 11-aminoundecanoic acid, which forms nylon-11 (col 2 ln 15-27). (B) can be polyethylene glycol, polypropylene glycol, or polytetramethylene glycol (col 2 ln 28-36).

7. Tanaka discloses polyetheramides have excellent properties such as impact resistance and elasticity (col 1 lines 52-55).

8. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use conventional polyetheramide elastomers, e.g. as taught by Tanaka, as the polyetheramide elastomer in

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the composite taught by Flexman to arrive at a composite having desirable qualities such as excellent impact resistance and elasticity.

9. The present claims are written in a product-by-process format. The examiner takes the position that the final composite structure of the tubing taught by Flexman combined with Tanaka would be indistinguishable from the final product of the presently claimed invention, as both describe a layer of POM adhesively bonded to a polyamide elastomer.

10. With regard to the presently claimed tensile bond strength limits, the examiner takes the position that the composite tubing of Flexman combined with Tanaka satisfies Applicant's requirements given that the composite has the same structure as claimed.

11. Regarding claim 4:

12. The POM and TPU can have conventional additives, e.g., stabilizers [0028; 0089].

13. Regarding claim 7:

14. The TPU makes up 5-20% of the substrate [0031].

15. Regarding claim 8:

16. Given the polyetheramide elastomer taught by Tanaka is the same that presently claimed, the examiner takes the position that the elastomer of Tanaka intrinsically has hardness within the presently claimed range.

17. Regarding claim 13:

18. The elastomer layer is "co-continuous," i.e., completely covers the substrate [0014; 0020].

19. Regarding claim 19:

20. Flexman notes sealing clips can be made [0015]. Furthermore, the examiner considers the POM coated with the thermoplastic polyetheramide elastomer to be a non-slip or easy-grip component intrinsically.

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Claim Rejections - 35 USC § 112

21. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

22. Claims 2-4, 7-8, 10-13, 19, and 21-22 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

23. Claim 21 recites the thermoplastic polyamide elastomer component “immediately adjacent to the polyacetal component” in lines 2-3 of the claim. The specification does not appear to support the language of this limitation. The examiner suggests Applicant recites “a thermoplastic polyamide elastomer component directly molded onto the polyacetal component” instead to mirror the language of the specification (for example, at page 1 lines 5-8 of the specification).

Response to Arguments

24. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

25. Applicant's recitation that the components are directly adjacent to one another has overcome the Pflieger reference. As noted by Applicant on p10 of Remarks filed 23 Aug 20010, Pflieger requires an external layer that cannot be a thermoplastic elastomer.

26. Applicant's use of exclusive language, i.e., “consisting of,” to describe the thermoplastic elastomer has overcome the Mutsuda reference as used previously because the reference requires the presence of the acid component.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim '047 discloses blends of POM and TPE-U.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Freeman whose telephone number is (571)270-3469. The examiner can normally be reached on Monday-Friday 9:00-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571)272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Freeman
Examiner
Art Unit 1787

/John Freeman/
Examiner, Art Unit 1787

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1787